

IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

STATE OF ALABAMA,

\*

Plaintiff,

\*

vs.

CASE NUMBER: DC-05-2398/2401

DARWIN ALLEN MOODY,

\*

Defendant.

\*

ORDER

This case was set for Hearing on September 15, 2005 in order to hear the Defendant's Motion to Dismiss. The Defendant's Motion to Dismiss was based upon the fact that he had not had his 48/72 Hour Hearing. However, Defendant was granted a Hearing on his initial appearance on September 9, 2005 at which time he was appointed an attorney, Mr. Philip Thompson. Mr. Thompson did not get notice of the Hearing set for September 15, 2005 but on September 12, 2005, Mr. Thompson filed a Request for Preliminary Hearing and that has been set before Judge Michael Nix on September 28, 2005.

*almost  
3 weeks  
later  
after  
9/15/05*

A telephone conference was held between the undersigned and Mr. Thompson on September 15, 2005 and it was decided that the Motion to Dismiss is now moot and that Mr. Thompson would proceed with the preliminary Hearing before Judge Nix on September 28, 2005.

DONE this the 15<sup>th</sup> day of September, 2005.

FILED  
SEP 17 2005

IN OFFICE  
CORINNE T. HURST  
CIRCUIT CLERK

  
John V. Denson, II  
Circuit Judge

cc: Nick Abbott  
Philip Thompson  
Darwin Allen Moody  
c/o Lee County Detention Facility